

**UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In Re:	)	
	)	
Warren Kenneth Earles,	)	Case No.: B-12-81464 C-13D
Dedrah Duff Earles,	)	
Debtors		

**MOTION FOR AUTHORITY TO EMPLOY SPECIAL COUNSEL**

The Debtors, by and through counsel, pursuant to 11 USC 330, respectfully request the Court for authority to employ attorney Suzanne Begnoche to file and settle a case against NCO Financial Systems, Inc. (hereinafter "NCO") for violation of credit collection laws, and in support respectfully show unto the Court the following:

1. On November 16, 2012, the Debtors filed a petition for relief under Title 11 U.S.C. Chapter 13.
2. The plan was confirmed on January 10, 2013.
3. The Debtors owe and listed on Schedule F a pre-petition commercial debt to Capital One, N.A.
4. During the collection of the debt, collection laws were violated by NCO Financial Systems, Inc. (hereinafter "NCO") as agent of Capital One, N.A.
5. The Debtors have consulted with Chapel Hill attorney Suzanne Begnoche, a disinterested party and attorney in good standing with the N.C. State Bar and Middle District of N.C., regarding the claim against NCO.
6. Ms. Begnoche believes that the Debtors have claims against NCO for unfair debt collection practices under the North Carolina Prohibited Practices by Collection Agencies statute ("PPCA"), N.C.G.S. § 58-70-90, et seq., which governs the conduct of collection agencies in North Carolina.
7. The PPCA provides for actual, statutory, and punitive damages, and attorneys for claimants may be awarded fees pursuant to N.C.G.S. § 75-16.1.
8. The Debtors desire to employ Ms. Begnoche to pursue these claims.

9. Virginia B. Collins, the Debtors' Chapter 13 attorney, has incurred additional expenses in the gathering of information, preparation, and filing of this motion and for attendance at the hearing and seeks the presumptive fee of \$250 to be paid through the Chapter 13 Plan.

WHEREFORE, the Debtors respectfully pray the Court:

1. For authority to employ attorney Suzanne Begnoche.
2. For \$250 in attorney fees to Debtors' counsel for the filing of this motion; and
3. For such other and further relief as is just.

This the 2nd day of May 2013.

/s/ Virginia B. Collins  
Attorney for Debtors  
NC State Bar No.: 19886  
P.O. Box 1059  
Pittsboro, NC 27312  
(919)542-6154  
[vcollinslaw@mindspring.com](mailto:vcollinslaw@mindspring.com)

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**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that the undersigned has this date served, electronically or by regular first class mail, the foregoing **MOTION TO EMPLOY SPECIAL COUNSEL** to the following parties of interest:

Richard M Hutson II  
Chapter 13 Trustee  
Durham Division  
P O Box 3613  
Durham NC 27702-3613

Suzanne Begnoche  
Attorney at Law  
312 West Franklin Street  
Chapel Hill, NC 27516

William Miller  
Bankruptcy Administrator  
PO Box 1828  
Greensboro, NC 27402

Warren Kenneth Earles  
Dedrah Duff Earles  
329 Plainfield Church Rd  
Siler City, NC 27344

This the 2nd day of May 2013.

/s/ Virginia B. Collins  
Attorney for Debtors  
NC State Bar No.: 19886  
P.O. Box 1059  
Pittsboro, NC 27312  
(919)542-6154  
vcollinslaw@mindspring.com